

Serial No. 09/903,683
Docket No. KUD.041

REMARKS

Entry of this Amendment is proper under 37 CFR §1.116, since no new claims or issues are raised and the only claim amendments place the claims into condition for immediate allowance.

Filed concurrently herewith is an Excess Claims Fee letter for two excess independent claims.

Claims 1-5, 7-13, 15-16, and 18 are all the claims presently pending in the application. Claims 6, 14, and 17 have been canceled and their contents incorporated into respective independent claims, since, in paragraph 6 of page 6 of the Office Action, the Examiner indicates that claims 6, 8, 14, 15, and 17 would be allowable if rewritten in independent format. Applicant believes that these claims have been appropriately rewritten and all remaining claims are in condition for immediate allowance.

Claims 1-5, 9-13, 16, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stack (U.S. Patent No. 5,815,717). Although Applicant continues to maintain that one of ordinary skill in the art would absolutely disagree that the rejection currently of record provides a reasonably objective evaluation, the rejection is rendered moot by rewriting the claims to place them into condition for immediate allowance.

FORMAL MATTERS AND CONCLUSION

Further, the Examiner is again requested to consider the references (e.g., JP 11-224184 and JP 10-111802) submitted in the IDS filed on July 13, 2001. It is noted that the IDS was in full compliance with M.P.E.P. § 609 AND 37 C.F.R. § 1.98. It is also noted that, as clearly stated in the IDS cover page itself, a concise statement of relevance for the reference is found at pages 2, 6, and 7 of the present application. For the Examiner's convenience, yet another PTO-1449 form is attached hereto for the Examiner's consideration and initials. It is further noted that 37 C.F.R. §1.98(a)(3)(ii) does not, as the Examiner seems to imply, state that an English translation is required for non-English-language documents. Please see also MPEP 8th Edition, Revision 2, §609, III, A(3), beginning on the left-hand column on page 600-122.

In view of the foregoing, Applicant submits that claims 1-5, 7-13, 15-16, and 18, all the claims presently pending in the application, are patentably distinct over the prior art of

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record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 8/8/05

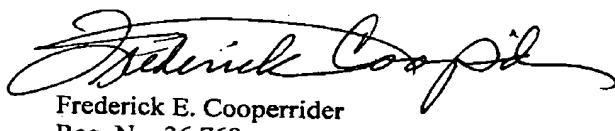


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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner Vo on August 8, 2005.



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